

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Brad Hill, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

**F053851      City of Visalia v. Gerald Harrah et al.,**

Cause called and argued by Robert J. Ernst III, Esq., counsel for appellant and by Leonard C. Herr, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, December 17, 2008 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Betty L. Dawson, Associate Justice; Honorable Brad Hill, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

**F054983      Mossman v. City of Oakdale**

Cause called and argued by Neal Costanzo, Esq., counsel for appellant and by Christopher W. Miller, Esq., counsel for respondent.

Cause ordered submitted.

The court adjourns.

**F056168      M.B., v. The Superior Court of Fresno Co.; Fresno Co. Dept. of Children & Family Services**

The petition for extraordinary writ is affirmed. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055733      In re L.K. et al., Minors**

The above-entitled case is submitted for decision.

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**F055733      In re L.K. et al., Minors**

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054357      Contreras et al., v. State of California et al.,**

The appeal is dismissed. Costs on appeal are awarded to the State.  
Cornell, J.

We concur: Vartabedian, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F053973      People v. Taylor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F053688      People v. Martinez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F053688      People v. Martinez**  
The judgment is affirmed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056162      R.B. v. The Superior Court of Fresno County; Fresno County Dept. of  
Children & Family Services**  
The petition for extraordinary writ is denied. This opinion is final  
forthwith as to this court.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F054411      In re A.S., a Minor**  
Counsel having failed to request oral argument in the above-  
entitled case, oral argument is deemed waived in accordance with the  
provisions of a notice heretofore mailed to counsel and the cause is  
submitted.
- F054411      In re A.S., a Minor**  
The judgment is reversed.  
By the Court.  
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F053672      People v. Lopez**  
Oral argument having been waived in the above-entitled case in  
accordance with the provisions of a notice mailed to counsel, the  
calendar date heretofore set is vacated and the case is submitted for  
decision.
- F054373      People v. Frank**  
Oral argument having been waived in the above-entitled case in  
accordance with the provisions of a notice mailed to counsel, the  
calendar date heretofore set is vacated and the case is submitted for  
decision.

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**F055749      In re M.B. et al., Minors**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F055749      In re M.B. et al., Minors**

The juvenile court's orders denying appellant's section 388 petition and terminating parental rights are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056012      People v. Mendiola**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F053553      UAS Management, Inc. v. Mater Misericordiae Hospital et al.,**

The judgment is reversed except that the grant of summary adjudication on appellant's fifth and sixth causes of action is affirmed. The matter is remanded for further proceedings on the first, second, third, and fourth causes of action, and for further proceedings concerning the confidential status of the record, consistent with this opinion. Appellant is awarded costs on appeal. Vartabedian, Acting P.J.

We concur: Gomes, J.; Kane, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

**F054014      People v. Huff**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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IN AND FOR THE

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**F054014      People v. Huff**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055684      In re Edwin Franklin on Habeas Corpus**

The petition for writ of habeas corpus is granted. The case is remanded to the superior court with directions to order dismissal with prejudice of the petition pending against Edwin Franklin for civil commitment as a sexually violent predator and to order his release from custody arising out of those proceedings. Gomes, J.

We concur: Vartabedian, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055962      People v. Gibson**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F055862      In re T.J. et al., Minors**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F055862      In re T.J. et al., Minors**

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056030      People v. Evans**

No brief having been filed by appellant after notice duly given under rule 8.220(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F055535      City of Tulare v. The Superior Court of Tulare County; M.C., a Minor**

Let a peremptory writ of mandate issue directing respondent court to vacate its order of May 13, 2008, granting the minor's motion for disclosure, and to enter a new and different order denying the motion because the motion was not properly noticed . Vartabedian, Acting P.J.

We concur: Cornell, J.; Gomes, J.

[CERTIFIED FOR PUBLICATION]

**F053725      People v.Servin**

The judgment is affirmed but sentence modifications ordered. Wiseman, Acting P.J.

We concur: Levy, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054322      In re Ray Medina on Habeas Corpus**

Filed modification of opinion (no change in judgment). The petition for rehearing is denied. Gomes, J.

We concur: Cornell, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]